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Human resources management

Actions taken against staff resulting from findings of malpractice discovered by the Board of Auditors

Report of the Secretary-General

1. In section VII (c) of its resolution 51/226 of 3 April 1997, the General Assembly requested the Secretary-General to submit to the Assembly a report on the appropriate action taken against personnel responsible for malpractices identified by the Board of Auditors.

2. Instances of financial malpractice that are discovered by audit of the Office of Internal Oversight Services, and reported to the department head or responsible officer where the malpractice has occurred may be referred by the department head/responsible officer to the Assistant Secretary-General, Office of Human Resources Management, for appropriate disciplinary action in accordance with ST/AI/371, if the preliminary investigation appears to indicate that the report of misconduct is well founded, that is, if the financial malpractice appears to constitute misconduct.

3. Financial malpractice that does not appear to constitute misconduct and is not reported to the Office of Human Resources Management may be handled at the departmental level.

4. Once received by the Office of Human Resources Management, cases of financial malpractice are handled as all other disciplinary matters in accordance with the provisions of ST/AI/371, so as to ensure that procedural and due process rights are respected. The first step in the disciplinary process is an examination of the complete dossier by the Assistant Secretary-General, Office of Human Resources Management, for the purpose of deciding whether the case should be pursued as a disciplinary matter and, if so, whether suspension from duty is warranted. If the disciplinary case is to be pursued, written allegations are prepared and served on the staff member who is given an opportunity to reply in writing. The staff member is also advised of his/her right to counsel and, if suspended, of the reason therefor. The Assistant Secretary-General examines the reply in the context of the complete dossier and decides whether the case warrants summary dismissal for serious and patent misconduct, whether the matter should be referred for consideration by a Joint Disciplinary

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Committee or whether the explanation of the staff member is satisfactory and justifies closing the matter at the disciplinary level.

5. If closed as a disciplinary case, the financial malpractice issue may be pursued by the department as a matter of performance. In some cases a letter of caution or reprimand (non-disciplinary measures) may be issued, if appropriate, and/or the performance appraisal or special report may reflect the staff member's quality of performance. In addition, staff rule 112.3 on financial responsibility may be imposed.

6. If the staff member is summarily dismissed, he/she loses the termination indemnity and repatriation grant, which would have otherwise accrued to his/her benefit upon separation.

7. If the matter is referred to a Joint Disciplinary Committee, any of the disciplinary measures specified in chapter X of the Staff Rules may be recommended. The Under-Secretary-General, Department of Management, may then decide, on behalf of the Secretary-General, what disciplinary measure(s) to impose.

8. Of the 61 cases of possible misconduct submitted in 1997 to the Assistant Secretary-General, Office of Human Resources Management, 7 were referred as a result of an audit/Office of Internal Oversight Services investigation. Four of those seven resulted in a decision of summary dismissal, one is being handled by the International Trade Centre/UNCTAD/WTO under its delegation of authority, one is being prepared for submission to the Joint Disciplinary Committee, and one is at the stage of consideration as to whether or not to pursue it as a disciplinary matter.